

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA	*	<b>Criminal 00-108(DRD)</b>
Plaintiff	*	
V.	*	
<b>FERNANDO GOMEZ ROSARIO</b>	*	
Defendant	*	

## MOTION REQUESTING RESCHEDULING OF SENTENCING HEARING

TO THE HONORABLE COURT:

**COMES NOW** defendant Fernando Gomez Rosario, through his undersigned attorney and respectfully states and prays as follows:

1. Defendant arrived at the Metropolitan Detention Center last Friday, October 14<sup>th</sup> , 2005. The undersigned counsel had a legal visit with him yesterday, October 17<sup>th</sup> , 2005.
2. Defendant advised that he is not prepared for the sentencing hearing for the following reasons:
  - a. he was not allowed to bring with him his case record or legal documents , therefore he can not be prepared for the sentencing hearing;
  - b. he indicated that he needs a court order to the institution where he was incarcerated: McRae, CI, 1000 Jim Hammock Drive , McRae, GA 31055, for the records of the hours he has worked at said institution from 2003-2005 in the education department and in his unit.

3. Defendant indicated that the order of the court of September 19, 2005 was never received by him. The undersigned counsel will provide him copy of said order.

**WHEREFORE,** defendant requests that the Court order McRae Federal Institution to forward all his legal documents to MDC Guaynabo, that the Court order McRae Federal Institution to provide the record of the hours worked by defendant from 2003-2005 and defendant further request that his sentencing hearing be rescheduled until he receives the above indicated documents to allow him to prepare for the sentencing hearing.

**RESPECTFULLY SUBMITTED.**

**CERTIFICATE OF SERVICE:** I hereby certify that on this date the present document has been filed electronically and is available for viewing and downloading from the Court's CM/ECF system by, U.S. Attorney's Office.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 18<sup>th</sup> day of October, 2005.

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